

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

RENE FLORES and DOMINGA FLORES

Plaintiffs,

v.

WELLINGTON INSURANCE COMPANY

Defendant.

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CAUSE NO. 7:15-cv-00482

PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

The Plaintiffs in the above entitled cause hereby move to dismiss without prejudice their cause of action against Defendant. There already exists a pending suit between the parties arising out of the same occurrence. Therefore, Plaintiffs wish to dismiss this cause of action without prejudice and pursue the previously filed cause of action.

Respectfully submitted,

/s/Timothy M. Hoch
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I, the undersigned attorney, do hereby certify that on the 11th day of December 2015 I conferred with counsel for Defendant who agreed to the relief requested herein.

/s/Timothy M. Hoch
TIMOTHY M. HOCH

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing document was forwarded to the following counsel of record on this 11th day of December, 2015 in accordance with the Federal Rules of Civil Procedure:

Thomas F. Nye
Attorney-in-charge
Gault, Nye & Quintana, LLP
P.O. Box 6666
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/s/Timothy M. Hoch
TIMOTHY M. HOCH

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ORDER ON MOTION TO DISMISS

ON THIS _____ day of _____, 2015, came on for consideration the Motion to Dismiss Without Prejudice filed by Plaintiffs Rene Flores and Dominga Flores. It appearing to the Court that said Motion is well taken and should be granted.

IT IS THEREFORE ORDERED, that Dismissal of the above-entitled and numbered cause of action, without prejudice, is hereby entered.

SIGNED this _____ day of _____, 2015.

JUDGE PRESIDING